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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,992	01/25/2002	Mikio Iwamura	218810US2	7716
22850	7590	12/27/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			NGUYEN, HUY D	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/054,992	Applicant(s) IWAMURA ET AL.	
	Examiner Huy D. Nguyen	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19, 24, 29, 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 19, 24, 29, 34, it is unclear what it means by “the first admission threshold is higher than the second admission threshold”. The examiner will assume it reads “the first admission threshold is higher than the second admission threshold”.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 18-19, 22-24, 27-29, 32-34, 37-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Murasawa et al. (U.S. Patent No. 6,760,594).

Regarding claims 18, 23, 28, 33, 38-39, 40-41, Murasawa et al. teaches a call admission control method in a communications system configured to support calls of a plurality of services

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having mutually different degrees of priority (e.g., ordinary calls and priority calls), comprising: receiving a call having a service type; comparing a measured resource use condition with a first and a second admission threshold value (e.g., ordinary calls threshold value and priority calls threshold value) so as to obtain a first and a second comparison result; selecting one of the first and second comparison result on the basis the service type; and admitting or not admitting the call on the basis of the selected comparison result (Figs. 2-4; Col. 2, lines 7-24; Col. 6, lines 34-67; Col. 7, lines 1-4; Col. 10, lines 1-55).

Regarding claims 19, 24, 29, 34, Murasawa et al. teaches the call admission control method of claim 18, wherein the service type is one of a priority and a non-priority service type; the first and second admission thresholds correspond to one of the priority and non- priority service type, respectively; and the first admission threshold is higher than the second admission threshold (Figs. 2-4; Col. 7, lines 1-4; Col. 10, lines 1-55).

Regarding claims 22, 27, 32, 37, Murasawa et al. teaches the call admission control method of claim 18, wherein the communications system comprises a CDMA system, and the method further comprises monitoring at least one of an amount of up-link interference, a down-link transmission power, a number of calling devices and a number of spreading codes. (Col. 3, lines 10-13).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20-21, 25-26, 30-31, 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murasawa et al. in view of Leppisaari et al. (U.S. Patent No. 6,532,227).

Regarding claims 20, 25, 30, 35, Murasawa et al. teaches the call admission control method of claim 19 except that the priority service type corresponds to a circuit switching service; and the non-priority service type corresponds to a packet switching service.. However, the preceding limitation is taught in Leppisaari et al. (Col. 3, lines 1-7). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching of Leppisaari et al. to the teaching of Murasawa et al. to improve system capability.

Regarding claims 21, 26, 31, 36, Murasawa et al. teaches the call admission control method of claim 18 except that the communications system comprises one of a FDMA system and a TDMA system, and the method further comprises monitoring at least one of a number of channels and a number of wireless devices active within the communications system. However, the preceding limitation is taught in Leppisaari et al. (Col. 1, lines 36-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching of Leppisaari et al. to the teaching of Murasawa et al. to improve system capability.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HN

Huy Nguyen


ERIKA A. GARY
PRIMARY EXAMINER